

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

CHUNYUNG CHENG and SHIGUANG CHEN
Individually and on Behalf of All Other Employees
Similarly Situated,

Index: **1:20-cv-08903**

ORDER

Plaintiff(s),

-against-

VIA QUANDRONNO LLC, VIA QUADRONNO
88 STREET, ANTICA BOTTEGA DEL VINO,
“JOHN” LAM a/k/a KC LAM, YONG “DOE”,
and John Doe and Jane Doe

Defendant(s),

X

WHEREAS, Plaintiffs and the putative class of individuals having made an application to implement a court-supervised notification to the putative opt-in plaintiffs under 29 U.S.C. § 216(b), and;

WHEREAS the Court having read and considered the proposed Notice of Pendency and Consent to Joinder form and

WHEREAS the Court finding that there existing substantial and sufficient grounds for entering this Order;

IT IS HEREBY ORDERED that:

1. Within fifteen (15) days after entry of this Order, Defendants shall furnish to Plaintiffs’ counsel a Microsoft Excel spreadsheet containing, for each current and former non-exempt and non-managerial employee employed at any time from 10/23/2017 (three years prior to the filing of the Complaint) to the date when the Court so-orders the Notice of Pendency and Consent to Join Form or the date when the Defendants provide the name list, whichever is later, the following information, **to the extent that such information is readily accessible and in Defendants’ possession, custody and/or control**:
 - a) Column B First Name;
 - b) Column C Last Name;
 - c) Column E Nickname;
 - d) Column F Name in Native Language (if applicable);
 - e) Column G Position Title;
 - f) Column H and I Last known address with apartment number (if applicable);
 - g) Column J City and Zip Code;
 - h) Column K Last known telephone number;
 - i) Column O Last known email address;


- j) Column P Social Media Handles – WhatsApp Username, WeChat ID and/or FaceBook usernames (if applicable), and
 - k) Column Q Work location, if there is more than one location, of ALL current and former non-exempt and non-managerial employees employed at any time from 10/23/2017 to present by: Via Quadronno located at 25 East 73rd Street, New York, NY 10021; and Via 88 Street located at 1228 Madison Avenue, New York, NY 10128.
2. This mailing list shall be accompanied by an Affidavit from Defendants certifying that, to the best of Defendants' ability, the name list is complete from employment records.
 3. **No Defendants or Named Plaintiffs shall be included in this list.**
 4. This mailing list shall be treated by the Parties as confidential.
 5. It is ordered that the Notice of Pendency and Consent to Joinder shall be disseminated, in English, Chinese and Spanish, via text message, or social media messages, chats, or posts, to all members of the collective.
 6. Notice of Pendency and Consent to Joinder may additionally be disseminated via text message, or social media messages, chats, or posts, to all members of the collective.
 7. Subject to the Court's approval, a short form of the notice may also be published to social media groups specifically targeting the English, Chinese-Speaking, and Spanish-speaking immigrant worker community.
 8. At the same time that the notices are disseminated by Plaintiffs' counsel, Defendants shall post a copy of the notice, in English, Chinese and Spanish, in a conspicuous and unobstructed location not accessible to the general public, where the notice is likely to be seen by all currently employed members of the collective, and the notice shall remain posted throughout the opt-in-period at: Via Quadronno located at 25 East 73rd Street, New York, NY 10021.
 9. Additionally, Plaintiffs' counsel may establish a website which allows for electronic submission of the Consent to Join Form and for potential opt-ins to contact Plaintiffs' counsel for more information.
 10. Within thirty (30) days after receipt of the completed Excel spreadsheet from Defendants, or thirty-six (36) days after the entry of this Order, whichever is later, the Plaintiffs or their designated representative shall cause a copy of the Notice of Pendency and Consent to Joinder Form to be sent to the Collective via First Class U.S. Mail and email.
 11. A reminder Postcard shall issue via First Class U.S. Mail and email to members of the Collective who, as of half-way through the completion of the notice period, have not submitted a completed Consent to Join Form;
 12. Plaintiffs' counsel may re-email notice to any putative collective member whose Notice is returned as undeliverable, with a forwarding address.
 13. The Notice of Pendency and Consent to Joinder shall indicate that opt-in plaintiffs must consent to join the action within sixty (60) days from the date notice is mailed.
 14. Should Defendants fail to furnish a complete Excel list as detailed above, Plaintiffs reserves the right to apply to the Court for permission to cause an abbreviated version of the Notice of Pendency to be published in an English, and Chinese and Spanish language newspaper and in social media platforms of WhatsApp, WeChat and Facebook at Defendants' expense for Defendants' failure to furnish accurate addresses. Notwithstanding the foregoing, any such subsequent publication shall not be at Defendants' expense if Defendants endeavored in good faith to provide all relevant information in its possession, custody and/or control to Plaintiffs. Defendants' shall have no liability to

any outdated information concerning current and/or former employees.

The Court approves the form of Notice of Pendency and Consent to Joinder, and finds that the mailing of such Notice substantially in the manner and form set forth in paragraph 1 of this Order will constitute the best notice practicable under the circumstances to members of the Class. A copy of the notice will be posted in the agreed-upon areas.

**BY ORDER OF THE COURT
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SO ORDERED.



LEWIS J. LIMAN
United States District Judge

9/23/2021